

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DARLENE ALEXANDER

Plaintiff,

versus

SERVISAIR, LLC,

Defendant.

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CIVIL ACTION NO. H-12-817

SPECIAL VERDICT FORM

QUESTION NO. 1

Do you find by a preponderance of the evidence that Defendant denied, restrained, or interfered with Plaintiff's right to leave under the FMLA, or her attempt to exercise her right to leave under the FMLA?

Answer "Yes" or "No."

YES

Please proceed to Question No. 2.

QUESTION NO. 2

Do you find by a preponderance of the evidence that Defendant discharged Plaintiff because Plaintiff requested or took leave under the FMLA or sought restoration of her position after taking FMLA leave?

Answer "Yes" or "No."

NO

If you answered "Yes" to either Question No. 1 or Question No. 2, or both, please proceed to Question No. 3. If you answered "No" to both Question No. 1 and Question No. 2, please proceed to Question No. 5.

QUESTION NO. 3

What sum of money, if paid now in cash, would fairly and reasonably compensate Plaintiff for the damages, if any, you have found Defendant caused Plaintiff under the FMLA?

Answer in dollars and cents for the following items and none other: wages, salary, employment benefits, or other compensation denied or lost:

\$ 1.00

If you awarded Plaintiff a sum of money in Question No. 3, please proceed to Question No. 4. If you answered "\$0," please proceed to Question No. 5.

QUESTION NO. 4

Do you find by a preponderance of the evidence that Defendant lacked good faith in its dealings with Plaintiff on the FMLA?

Answer "Yes" or "No."

YES

Please proceed to Question No. 5.

QUESTION NO. 5

Do you find from a preponderance of the evidence that Plaintiff worked more than forty hours in at least one single workweek between November 15, 2010 and May 17, 2011?

Answer "Yes" or "No."

YES

If you answered "Yes" to Question No. 5, please proceed to Question No. 6. If you answered "No" to Question No. 5, do not answer any more questions. Please sign and date the Certificate and return it to the Court.

QUESTION NO. 6

Do you find from a preponderance of the evidence that Defendant established that Plaintiff is exempt from the overtime pay law under the administrative employee exemption to the FLSA?

Answer "Yes" or "No."

YES

If you answered "No" to Question No. 6, then answer Question No. 7. If you answered "Yes" to Question No. 6, do not answer any more questions. Please sign and date the Certificate and return it to the Court.

QUESTION NO. 7

What amount of damages should Plaintiff be awarded for overtime hours worked between November 15, 2010 and May 17, 2011 under the FLSA?

Answer in dollars and cents:

Please sign and date the Certificate and return it to the Court.

CERTIFICATE

We the jury have made the above findings, as indicated, and herewith return same into Court as our verdict.

SIGNED this the 13th day of September, 2013, at Houston, Texas.


JURY FOREPERSON
